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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,892	10/05/2001	Mark Joseph Rechtsteiner	13DV13701	4016

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EXAMINER

VAUGHN, GREGORY J

ART UNIT PAPER NUMBER

2178

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/971,892

Applicant(s)

RECHTSTEINER ET AL.

Examiner

Gregory J. Vaughn

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application History

1. This action is responsive to the application amendment, filed on 1/25/2005.
2. Applicant has amended claim 8.
3. Claims 1-18 are pending in the case, claims 1 and 12 are independent claims.
4. Applicant has amended the specification in response to the objections cited by the examiner in the *Drawings* and *Specification* sections of the previous office action (dated 8/25/2004). Applicant's amendment has addressed the objections previously made, and therefore, in view of the amendment, objections to the drawings and specification are withdrawn.
5. Examiner's rejection of claim 8, made under 35 USC 112 in the *Claim Rejections – 35 USC 112* section of the previous office action (dated 8/25/2004) is withdrawn in view of the amended claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

7. Claims 1-18 remain rejected under 35 U.S.C. 102(e) as being anticipated by Chauhan et al. US Publication 2003/0004909, filed 6/29/2001, published 1/2/2003 (hereinafter Chauhan).
8. **Regarding independent claim 1**, Chauhan discloses a server configured with a repository. Chauhan recites: *"referring to FIG. 1, the data repository 102 may reside on a server computer system"* (page 12, paragraph 120). Chauhan further discloses the repository storing questions and answers. Chauhan recites: *"The data repository 102 is used to store data associated with each system administrator, each registered user, each registered expert, the Subject Matter Category Index, and all conversations"* (page 3, paragraph 57). Chauhan defines a conversation as *"an enhanced knowledge management system (a "KMS"). The enhanced KMS provides a*

Art Unit: 2178

customizable, person-to-person, knowledge sharing portal that manages concurrent one-on-one conversations between requesters and expert resources. Each conversation comprises knowledge that is captured by the KMS into a knowledge base that is searchable by others" (page 1, paragraph 7).

Chauhan discloses the at least one computer in Figure 1 at reference sign 106 (additional computers are disclosed at reference signs 101, 107 and 109). Chauhan further discloses in Figure 1 the at least one computer connected to the server. Chauhan discloses the interface between the at least one computer and the server in Figures 5-21, and Figures 23-34 (Figure 5 is the login screen, subsequent figures disclose various features of the educational system).

9. **Regarding dependent claim 2**, Chauhan discloses the use of a password-protected system in Figure 5, at reference sign 503 (shown as *"Desired Password"*).
10. **Regarding dependent claim 3**, Chauhan discloses intellectual property sharing topics in Figure 6 at reference sign 602 (shown as *"Inventors and Inventions"* as a category in the list shown).
11. **Regarding dependent claim 4**, Chauhan discloses multiple users. Chauhan recites: *"The CM 101 facilitates conversations between each user 106 and each expert 107"* (page 3, paragraph 57).

Art Unit: 2178

12. **Regarding dependent claims 5 and 6**, Chauhan discloses a repository for an owner and users internal to the owner. Chauhan recites: "*computer-aided-information (CAI) systems that allow users to document existing applications, or manufacturing procedures, within a company (or other community)*" (page 1, paragraph 5).
13. **Regarding dependent claim 7**, Chauhan discloses the use of web pages in Figure 5. Transmission of web pages is shown in Figure 1 as a connection between the computers in the figure (computers shown at reference signs 106, 101, 107 and 109).
14. **Regarding dependent claim 8**, the claim is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (as described above).
15. **Regarding dependent claim 9**, Chauhan discloses the use of text and digital pictures in Figure 5.
16. **Regarding dependent claim 10**, Chauhan discloses a repository as a database. Chauhan recites: "*the enhanced KMS integrates existing databases with knowledge that is captured by the ongoing conversations*" (page 1, paragraph 9).
17. **Regarding dependent claim 11**, the claim remains rejected for fully incorporating the deficiencies of the base claims.

Art Unit: 2178

18. **Regarding claims 12-15**, the claims are directed toward a method for the system of claims 1-4, respectively, and remain rejected using the same rationale.
19. **Regarding claims 16-18**, the claims are directed toward a method for the system of claims 9-11, respectively, and remain rejected using the same rationale.

Response to Arguments

20. Applicant's arguments filed 1/25/2005 have been fully considered but they are not persuasive.
21. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*questions are posed to users*" – page 15 third paragraph) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
22. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*the invention requires users to answer questions*" – page 15 third paragraph) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
23. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*a series of guidance questions for the user*" – page 15 to page 16) are not recited in the rejected claim(s). Although the claims are

Art Unit: 2178

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

24. In response to applicant's argument that "*The Chauhan reference does not teach or suggest knowledge and tools for task guidance question and answer choices*" (page 16 first paragraph), the applicant is directed to the rejection of claim 1, as restated above.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEPHEN HONG
SUPERVISOR, PATENT EXAMINER

Gregory J. Vaughn
May 10, 2005